

3093

10 March 1981

MEMORANDUM FOR : Harry E. Fitzwater
Director of Personnel
Policy, Planning, and Management

STAT FROM : [REDACTED]
Chief, Programs and Analysis Staff/OPPPM

SUBJECT : Current Matters Relating to the Effort to
Obtain a Personnel Interchange Agreement

1. In recent weeks I have had several discussions with [REDACTED] of OPM regarding her request to review our regulations as part of the examination of our personnel management system. The purpose of my calls to Tracy was to confirm the parameters of the review and to discuss how best to conduct it. We have reached agreement on both subjects but have deferred scheduling a firm date for a visit by Tracy and her colleagues until you approve the proposed approach to their examination of the regulations.

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2. The points which Tracy and I have discussed included the following:

a. Purpose of the review - The review will help OPM determine whether the Agency has a merit-based personnel system, whether any of our policies are a barrier to the two-way movement of personnel between the Agency and competitive service, and whether our regulations are generally consistent with those of the competitive service.

b. Scope of the review - The OPM team wishes to examine the regulations, handbooks, notices, and any related materials which set forth our personnel policies and procedures.

c. Areas of particular interest - Among these are adverse actions, position classification, promotion, and qualification standards.

d. Need for the presence of OPPPM subject matter experts - Chief, Programs and Analysis Staff will assist the OPM team in its review. It will not be necessary for other OPPPM employees to be present, although some specialists may be contacted by telephone to answer certain questions.

e. Retention of regulations by OPM - OPM will limit its activity to making a review only. No copies of the regulations will be requested.

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Provided this proposed approach does not present a problem to you, I would appreciate your approval to proceed with arrangements for the OPM visit.

* APPROVED (✓) DISAPPROVED ()

3. Besides its inquiry regarding our regulations, OPM is also interested in learning:

a. Whether the draft Executive Order (attached) can be modified to limit eligibility to enter the competitive service to only those employees who, at the time of transfer, are employed by the Agency; and

b. What service credit toward the completion of the Agency's trial period would be granted to employees of other Federal agencies and departments who become Agency employees.

With respect to 3a., the current draft of the Executive Order provides appointment rights in the competitive service provided (among other things) that the employee is appointed within three years after his or her separation from the Agency. OPM believes that retention of this provision will invite opposition from veterans' groups because of the Agency's exemption from the Veterans Preference Act. Although the language of the draft Executive Order was borrowed from E.O. 11219 of 1965 which gave Foreign Service Officers noncompetitive appointment eligibility, State was subject to the Veterans Preference Act and did not have to consider opposition from veterans' organizations. However, since this factor is a consideration for the Agency and because our goal in obtaining an interchange agreement is to provide a benefit to employees (not ex-employees), I would recommend that we limit eligibility to Agency employees who transfer directly to other Federal agencies. For the record I might add that [] believes that a one-year period of eligibility after separation from the Agency is justified on the grounds that employees who will separate just prior to the signing of the Executive Order which establishes personnel interchange for the Agency deserve the entitlement. Paragraph 3b. has been addressed by the DDCI in his approval of our request to grant up to two years credit toward completion of the Agency's three-year trial period to individuals who transfer directly to the Agency from other Federal positions. However, whether the one remaining year of the trial period would be treated like the third year of probation and thus confer appeal rights to the DCI on a separation and whether each year or portion thereof of prior service (up to the two-year limit) would be accepted need to be confirmed. A transferring employee from another agency should have the protection of appeal rights, I believe, and should get full credit for past Federal service up to the two-year limit. However, []

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** must have security clearances to review
any Classified rego.*

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asserts that granting service credit to this extent would be unsound from two standpoints. First since the individual would be serving a trial period of as little as one year, he or she would not be subject to the same kind of security screening that is given now to new employees as they complete the third year of their trial period. Secondly, Bruce doubts that the reduced trial period would provide sufficient time to evaluate the employee's performance because of the strong likelihood that training requirements would interrupt the time actually spent on the job.

STAT 4. Neither objection is significant enough to force a revision of the foregoing recommendation. I have discussed the security concern with [] (Chief, Clearance Division/OS) who agrees that no security problem exists provided each transferee receives a polygraph three years after Agency EOD. This will be guaranteed by the current call-up system. STAT

5. With respect to the usefulness of a one-year trial period in assessing the performance of a transferee, I believe that, in contrast to the new employee from outside government, the transferee has a performance record from prior Federal service which would be of significant help in assessing eligibility for career status. Furthermore, provided a transferee is granted full credit for prior service toward completion of the trial period and appeal rights to the DCI, Agency managers would not face greater difficulties in seeking a separation should the one-year period pass before a termination was initiated.

6. Accordingly, we request your approval of the proposals contained in paragraph three. Your approval of them should improve our chances of obtaining OPM support for the interchange agreement.

APPROVED (✓)

DISAPPROVED ()

[] STAT

Attachment

[]

3/13/81
Date

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Current Matters Relating to the Effort to
Obtain a Personnel Interchange AgreementFROM: [Redacted]Chief, P&AS/OPPPM
1001 Ames

EXTENSION

NO. 3043

DATE

10 March 1981

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DD/PPPM/PA&E
1001 Ames

10 MAR 1981

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EA/D/PPPM
5E58 HQS☐

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DD/PPPM
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11 MAR 1981

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D/PPPM
5E58 HQS

3/13/81

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11.

C/P&AS
1001 Ames

17 MAR 1981

3/31

☐Called [Redacted] & set
mtg for 7 Apr. She would call
back re specific time

STAT

25X1

12.

[Redacted] 3/23/81

25X1

13.

File

Mtg set for 10a.m.
7 Apr

14.

[Redacted] 3/31/81

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15.